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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,510	01/20/2004	Robert W. Hamlin JR.	TRA-094	1473
7590		05/17/2005		
Gordon & Gordon 65 Woods End Road Stamford, CT 06905			EXAMINER KADING, JOSHUA A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/760,510

Applicant(s)

HAMLIN ET AL.

Examiner

Joshua Kading

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-28-04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (AAPA) in view of U.S. Patent Application Publication 2004/0120252 A1, Bowen, JR. et al. (Bowen).

Regarding claims 1 and 5, AAPA discloses, the method of claim 1 and an apparatus of claim 5 for performing the method "for extracting packetized data from a SONET/SDH signal, said apparatus comprising: a) SONET/SDH signal processing means for processing the SONET/SDH signal to provide a deskewed data stream (*figure 1, element 16*); b) a demapper coupled to said SONET/SDH signal processing means for demapping the data stream to produce a stream of packets (*figure 1, element 20*); c) a packet buffer coupled to said demapper for temporarily storing the packets (*figure 1, element 22*)."

However, AAPA lacks what Bowen discloses, "d) a fullness monitor coupled to the packet buffer and the demapper (*specification, page 3, paragraph 34, lines 3-5 where as with applicant's demapper, the apparatus of Bowen is used to control the flow of packets from the apparatus to the buffer, therefore the apparatus of Bowen, while not*

*explicitly showing a demapper, is functionally equivalent to applicant's demapper with regard to flow control; it should also be further noted that the apparatus of Bowen can be used in any packet based system, regardless of protocol, for flow control purposes, this is described in the specification, page 3, paragraph 33) for monitoring the fullness of the packet buffer and adjusting the rate of the demapper (figure 1, element 6 is the control used to monitor the fullness of the buffer), wherein said demapper operates at a first rate when the fullness of the buffer is below a fullness threshold (specification, page 4, paragraph 43, lines 15-17), and said demapper operates at a second rate when the fullness of the buffer is at or above the fullness threshold (specification, page 4, paragraph 43, lines 12-14)."*

It would have been obvious to one of ordinary skill in the art at the time of invention to include the buffer fullness monitoring and appropriate response to the buffer fullness monitoring for the purpose of providing flow control to the system (*Bowen, specification, page 3, paragraph 33, lines 14-18*). The motivation for providing flow control is to protect the system from overload conditions that will decrease performance.

Regarding claims 2 and 6, AAPA lacks what Bowen further discloses, "the first rate is faster than the input rate of the SONET/SDH signal (*specification, page 4, paragraph 36 shows the equation relating the first and second rate  $f(t)$  to the input rate  $O(t)$  and a factor  $T(t)$ , where, as seen in the first table, when  $B(t)=1$ , which corresponds to a fullness condition, the factor  $T(t)$  plus some value, give the possible outcome of the first rate being larger than the input rate*)."

It would have been obvious to one of ordinary

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skill in the art at the time of invention to have the first rate larger than the input rate for the same reasons and motivation as in claims 1 and 5.

Regarding claims 3 and 7, AAPA lacks what Bowen further discloses, "the second rate is substantially equal to the input rate of the SONET/SDH signal (*specification, page 4, where the first table shows the distinct possibility, for a  $B(t) \neq 1$  condition, that the second rate (simply a rate change of the first rate) will be substantially equal to the input rate, e.g. when  $T(t)=1$* )." It would have been obvious to one of ordinary skill in the art at the time of invention to have the second rate substantially equal to the input rate for the same reasons and motivation as in claims 2 and 6.

Regarding claims 4 and 8, AAPA lacks what Bowen further discloses, "the first rate is substantially the maximum rate of the demapper (*specification, page 4, paragraph 43, lines 6-8 where the rate is determined based on a maximum of the flow in the apparatus*)." It would have been obvious to one of ordinary skill in the art at the time of invention to have the first rate substantially the maximum to the input rate for the same reasons and motivation as in claims 3 and 7.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

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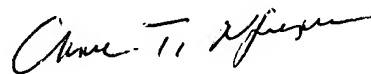
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading  
Examiner  
Art Unit 2661

May 10, 2005



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600